United States Courts
Southern District of Texas
FILED

JUL 0 1 2008

Michael N. Milby, Clerk of Court

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA
V.

Armando Garcia, Christian Garcia,
Maria Lopez, Osvaldo Criollo-Velazquez,
Angel Davila-Lopez, Manuel Pena-Huerta,
Carlos Sanchez-Garcia

CRIMINAL COMPLAINT

Case Number: C-08-519m

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about **6/30/2008** (Date) in **Brooks** County, in the Southern District of Texas defendants, **Armando Garcia, Christian Garcia, Maria Lopez, Osvaldo Criollo-Velazquez, Angel Davila-Lopez, Manuel Pena-Huerta, Carlos Sanchez-Garcia**

knowingly and intentionally conspired and agreed together and with each other: to knowingly and intentionally possess with intent to distribute a controlled substance, that is approximately 74.5 kilograms of marijuana, a Schedule I Controlled Substance,

in violation of Title **21** United States Code, Section(s) **846**.

I further state that I am a(n) **Special Agent** (Official Title) and that this complaint is based on the following facts:

See Attached Affidavit of ICE Special Agent **Aaron Rodgers**

Continued on the attached sheet and made a part of this complaint: [X] Yes [ ] No

Signature of Complainant

Aaron Rodgers
Printed Name of Complainant

Sworn to before me and signed in my presence and probable cause was found on,

July 1, 2008 (Date) at **Corpus Christi, Texas** (City and State)

Brian L. Owsley , U.S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT

On June 30, 2008, Border Patrol Agent Eric Rubio was assigned to work at the Falfurrias, Texas Border Patrol Checkpoint. At approximately 1050 hours, Border Patrol received a phone call from off-duty Border Patrol Agent Eric Sanchez. Agent Sanchez reported seeing a green car stopped approximately 1 mile north of the Falfurrias checkpoint on the northbound side of the highway 281. The vehicle picked up several subjects coming out of the brush from the east side of the highway. Sanchez also stated the subjects were carrying two large duffel bags, which were loaded into the trunk of the car.

This area is north of the checkpoint and is very well known for illegal activity including alien and narcotics smuggling. It's a common area where smugglers usually pick up illegal aliens, and narcotics. Supervisory Border Patrol Agent Charlie Miller instructed Agent Rubio and Border Patrol Agent Enrique Gonzalez to respond to the call. Agents Rubio and Gonzalez immediately got into a marked Border Patrol vehicle and began driving north on Highway 281 in search for the green vehicle.

As agent Rubio and Gonzalez traveled north on Highway 281 the traffic conditions were very light. Agents Rubio and Gonzalez did not see any other green vehicles matching the description given until they noticed a green Chrysler four door bearing Texas plate X11VKS. The vehicle was traveling north toward Falfurrias, Texas. The description of this vehicle matched the description given by Agent Sanchez.

Agents Rubio and Gonzalez got beside the vehicle to see how many visible occupants were inside. Agents Rubio and Gonzalez could see the driver and a front seat passenger, who appeared to be ducking down in the seat to avoid being seen. The shadow of a person in the rear seat was also visible. None of the occupants of the vehicle looked toward or made eye contact with Agent Rubio or Gonzalez. Agent Rubio and Gonzalez got behind the green Chrysler and conducted a roving patrol traffic stop approximately 1 mile south of Falfurrias, Texas, on Highway 281.

As Agent Rubio approached the driver's side window, he could see a female driver, a front seat passenger, and a rear seat passenger. The driver, identified as Maria Antonia LOPEZ, was acting extremely nervous. LOPEZ was avoiding eye contact with Agent Rubio and was gripping the steering wheel with both hands turning her knuckles white.

Agent Rubio questioned LOPEZ about her citizenship, and she stated she was a United States citizen. LOPEZ also kept looking at the front seat passenger, later identified as Armando GARCIA, as if she was scared of him. Agent Rubio then questioned GARCIA about his citizenship. GARCIA avoided eye contact by slouching over the seat and stated he was a U.S. citizen. Agent Rubio then questioned the rear seat passenger, later identified as Osvaldo CRIOLLO-Velasquez, as to his citizenship. CRIOLLO stated he was not a U.S. citizen. Agent Rubio asked CRIOLLO what country he was from and CRIOLLO stated he was a Mexican citizen, illegally present in the United States.

Agent Gonzalez placed CRIOLLO under arrest and put him in the patrol car. Agent Rubio then asked LOPEZ about the ownership of the vehicle. LOPEZ stated the vehicle belonged to her. Agent Rubio also asked LOPEZ if there was anything in the trunk. (In Agent Rubio's and Gonzalez's experience as Border Patrol Agents, illegal aliens are often concealed in the trunks of vehicles). LOPEZ hesitated momentarily and then stated, "I don't know, I'm just driving the car!" Agent Rubio requested consent to search the trunk from LOPEZ and she stated, "Go ahead."

LOPEZ handed Agent Rubio the keys of the car and he opened the trunk. Agent Rubio and Gonzalez noticed two large camouflage duffel bags inside, which were described by Agent Sanchez. Agent Rubio and Gonzalez opened the duffel bags and discovered several bundles of a green leafy substance later identified by field testing as marijuana. LOPEZ and GARCIA were then placed under arrest and all three subjects were transported to the Falfurrias, Texas Border Patrol Checkpoint for further questioning and processing.

As Agent Rubio and Gonzalez were driving southbound on Highway 281 back to the checkpoint, they noticed a grey Ford F-150 truck bearing Texas plates 20D-DP3 turning southbound on Highway 281 two crossovers north of the checkpoint. (In Agent Rubio's and Gonzalez's experience alien and narcotics smugglers often utilize this area for illegal activity). As the truck turned south in front of the Border Patrol marked unit, it accelerated rapidly and was traveling at a high rate of speed.

Agent Rubio and Gonzalez caught up to the truck and drove next to it. Agent Rubio and Gonzalez noticed the driver, later identified as Christian GARCIA, turn and look their direction and then immediately turn away and lean back against the seat to avoid being seen. The front and rear seat passengers, Angel DAVILA-Lopez, Manuel PENA-Huerta, and Carlos SANCHEZ-Garcia, never made eye contact with the Border Patrol agents. The passengers looked forward and were sitting in a very rigid manner on their seats.

Agent Rubio and Gonzalez notified the checkpoint about the vehicle and its occupants. Supervisory Border Patrol Agent Charlie Miller responded and conducted a traffic roving stop near Encino, Texas on the southbound lane on Highway 281.

Agent Miller requested the driver, C. GARCIA, to exit the vehicle. Agent Gonzalez approached the truck to talk to the three passengers. Agent Gonzalez told Agent Miller the three occupants were Mexican citizens illegally present in the U.S. GARCIA and the three illegal aliens were placed under arrest and transported to the checkpoint for further questioning and processing.

Agent Rubio then read LOPEZ her Miranda Warning Rights in her preferred language of English. LOPEZ signed the form accordingly indicating she understood her rights. Agent Enrique Gonzalez witnessed the signing of the rights form. Agent Rubio questioned LOPEZ about the narcotics and the illegal alien in her vehicle.

LOPEZ indentified Christian GARCIA, Angel DAVILA-Lopez, Manuel PENA-Huerta, and Carlos SANCHEZ-Garcia as being part of the smuggling organization, which was responsible fro the narcotics found in her vehicle. LOPEZ said she picked up Armando GARCIA and CRIOLLO north of the checkpoint. LOPEZ stated she knew A. GARCIA and CRIOLLO were carrying marijuana in the green camouflage bags that were placed in her vehicle. LOPEZ stated she was going to transport A. GARCIA and CRIOLLO to Houston, Texas, along with the marijuana and was going to be paid $1,000.00. LOPEZ also stated she met Christian GARCIA that day and she met Armando GARCIA about three weeks ago. LOPEZ stated another individual made the arrangements for the narcotics to be walked around the checkpoint by Armando GARCIA, and the other four illegal aliens.

Agent Rubio then read Armando GARCIA his Miranda Warning Rights in his preferred language of English and signed accordingly indicating he understood his rights. Agent Gonzalez witnessed the signing of the rights form.

A. GARCIA was questioned about the narcotics that were in the vehicle and he stated, "You already know what happened, why you are asking me?" Agent Rubio asked A.GARCIA about the arrangements made and his involvement in this case, and he stated, "I was just taking a stroll in the brush, and I'm not going to tell you guys anything." A. GARCIA refused to make any other statements.

Agent RUBIO then read Christian GARCIA his Miranda Warning Rights in his preferred language of English, and he signed accordingly indicating that he understood his rights. Agent Gonzalez witnessed the signing of the rights form.

C.GARCIA stated a relative made the arrangements with all of the defendants to smuggle the marijuana around the checkpoint with four illegal aliens. GARCIA stated he was going to be paid $500.00 to take the illegal aliens back to Mission, Texas. GARCIA also stated LOPEZ was present when then arrangements were made to smuggle the marijuana. GARCIA did not make other statements regarding this case.

I then read all of the illegal aliens their Miranda Warning Rights in their preferred language of Spanish. All subjects signed the forms accordingly indicating that they understood their rights. Agent Gonzalez witnessed the signing of the rights forms.

CRIOLLO stated A. GARCIA told him if he helped carry the marijuana through the brush that GARCIA would help CRILLO get to Houston, Texas. CRIOLLO said helping GARCIA would be a form of payment for being smuggled to Houston. CRIOLLO stated he did carry the duffel bags of marijuana for a while, and that he was taking turns along with the rest of the individuals in the group. CRIOLLO stated that he could identify A. GARCIA as the person in charge of the marijuana. CRIOLLO did not make other statements.

PENA, SANCHEZ, and DAVILA were also questioned about their involvement on this case. They each stated they met an unknown man who offered them a job of transporting the narcotics through the brush. They each stated they were going to get paid but did not know how much. They also stated they had been walking in the brush since about 10:00PM on June 29, 2008. They all identified A.GARCIA as the person in charge of the narcotics and leading them through the brush.

The total weight of the marijuana was calculated to be approximately 74.5 kilograms, equivalent to approximately 164 pounds.

Assistant United States Attorney Rob McDonald was contacted and given the facts of this case. AUSA McDonald accepted federal prosecution on all seven defendants for violating 21 USC 846.

Aaron Rodgers, Special Agent
U.S. Immigration and Customs Enforcement

SWORN TO AND SUBSCRIBED BEFORE ME AND PROBALE CAUSE WAS FOUND this 1st day of July 2008.

Brian L. Owsley
UNITED STATES MAGISTRATE JUDGE